

UNITED STATES DISTRICT COURT

for the

DISTRICT OF SOUTH DAKOTA

U.S.A. vs. Patrick Vincent Sanders, Jr.

Docket No. 4:06CR40095-1

Petition to Revoke Supervised Release

COMES NOW ERIC THEISEN, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Patrick Vincent Sanders, Jr., who was sentenced to two terms of supervised release on 05/14/2007, by the Honorable Lawrence L. Piersol sitting in the Court at Sioux Falls, SD. The original offenses were Wire Fraud, which is a Class C Felony, and Bank Fraud, which is a Class B Felony. The maximum term of imprisonment upon revocation for a Class C Felony is two years, and the maximum term for a Class B Felony is three years. On 12/10/2009, a petition to revoke supervised release was filed. The defendant committed the offenses of Grand Theft and Fraud, failed to report for a drug test as directed, and used a controlled substance. On 04/02/2010, the defendant admitted to failing to report for a drug test and using a controlled substance. He was sentenced to 11 months custody, followed by 24 months supervised release. The supervised release commenced on 11/10/2010. The Court imposed the conditions of supervised release heretofore adopted as follows:

Standard Condition No. 6: The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.

THEREAFTER, NON-COMPLIANT BEHAVIOR OCCURRED RESULTING IN SUPERVISION INTERVENTIONS AS FOLLOWS:

The defendant originally began supervised release on 06/17/2009. As mentioned above, on 04/02/2011 the defendant's supervised release was revoked and he was sentenced to 11 months custody, followed by 24 months supervised release. The current term of supervised release began on 11/10/2010.

On 08/18/2011, this officer assumed the supervision of this case from USPO Scott Canter. On 09/30/2011, the defendant was sentenced to 90 days custody by the state of South Dakota on the above mentioned Grand Theft and Fraud charges. He was released from custody on 12/30/2011, and the defendant resumed his fraudulent behaviors almost immediately.

On 01/09/2012, this officer was contacted by a detective with the Sioux Falls Police Department. This officer was informed the defendant was being investigated for purchasing a vehicle with a stolen check. The detective stated on or about 01/04/2012, just five days after his release from custody, the defendant went to D and L Auto, in Sioux Falls, SD, and purchased a vehicle with a check from an account that did not belong to the defendant.

On or about 01/06/2012 the victim contacted the car dealer to inquire about the purchase he did not make. The victim went to the car dealership and was able to speak with the defendant. The defendant initially denied using the stolen check, and stated there must be another person with the same name as the victim in Sioux Falls. The defendant then asked the victim if he could pay him cash to avoid further problems. The victim declined, and notified the police department.

The Sioux Falls Police Department is investigating the defendant on several counts of fraud. On 01/19/2012, this officer spoke with the Sioux Falls Police Department, and was informed the defendant had written at least 17 stolen checks in and around the Sioux Falls area, and also received \$2,500 from a credit card transaction at Splash City.

On 01/10/2012, this officer spoke with the defendant's supervisor at Lamps and Shades. He stated he had not seen the defendant in approximately two weeks. He also stated he lent the defendant \$2,000 to pay rent and restitution, which has not been paid back. On 01/11/2012, this officer spoke with the employer a second time, and learned the defendant no longer had employment at Lamps and Shades. The defendant has not contacted this officer to discuss his employment status.

On 01/12/2011, this officer spoke with the defendant's landlord, who stated the defendant was being evicted from his apartment due to being over three months behind in rent. The landlord also stated the defendant's criminal history did not appear on their record check. If it would have, they would not have rented to the defendant. The defendant has not contacted this officer to discuss his living arrangement, therefore, the defendant's whereabouts are unknown. Unsuccessful attempts to contact the defendant at his home were made on 01/11/2012 and 01/12/2012. On 01/12/2012, this officer left a note in the defendant's door advising him to call the probation office as soon as possible. At the time of this writing, the defendant has not contacted this officer, and his whereabouts are currently unknown.

The non-compliant behaviors described in the paragraphs above are the basis of the corresponding allegations listed below. They are included here to show the pattern of non-compliant behavior and the corresponding corrective measures initiated by the Probation Office.

NOW RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

1. On or about 01/24/2012, at Sioux Falls, SD, Patrick Vincent Sanders, Jr. did fail to notify the probation office of a change in residence, in violation of Standard Condition No. 6 of the conditions of supervised release.
2. On or about 01/24/2012, at Sioux Falls, SD, Patrick Vincent Sanders, Jr. did fail to notify the probation office of a change in employment, in violation of Standard Condition No. 6 of the conditions of supervised release.

PRAYING THAT THE COURT WILL ORDER that a warrant be issued for the arrest and return to Court of Patrick Vincent Sanders, Jr. for a hearing to determine whether the Order heretofore granting supervised release should now be revoked.

I, ERIC THEISEN, a Probation and Pretrial Services Officer employed in the U.S. District Court for the District of South Dakota, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct.

Respectfully,

U.S. Probation Officer

Place:

Date: January 24, 2012